



AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Northern District of New York

UNITED STATES OF AMERICA)

v.)

KEVIN REYES-LACAYO and)

MIKE GUILTY-MARTINEZ,)

Case No. 8:22-MJ-97 (GLF)

Defendants.)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date(s) of March 6, 2022 in the county of Clinton in the Northern District of New York the defendants violated:

Code Section

Conspiracy to commit alien smuggling
 in violation of Title 8 U.S.C.
 § 1324(a)(1)(A)(v)(I).

Offense Description

The defendants conspired to transport, attempted to transport, move, and attempted to move, aliens, having the initials A.A.X., E.G.V., R.L.R., F.R.O., and E.S.B., within the United States by means of transportation or otherwise, knowing and in reckless disregard of the fact that the aliens had come to, entered, or remained in the United States in violation of law, in furtherance of such violation of law.

This criminal complaint is based on these facts:

☒ Continued on the attached sheet.

TREVOR C KINBLUM

Digitally signed by TREVOR C
 KINBLUM
 Date: 2022.03.07 15:28:57 -05'00'

Complainant's signature

Trevor Kinblom, Border Patrol Agent (Intelligence)

Printed name and title

Attested to by the affiant in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.

Date: March 8, 2022


 Judge's signature

City and State: Plattsburgh, NY

Hon. Gary L. Favro, U.S. Magistrate Judge

Printed name and title

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On March 6, 2022, at approximately 4:47 a.m., Champlain Border Patrol Agents were notified by Swanton Sector Communications (KAD 640) of five subjects walking southbound near Glass Road and Perry Mills Road in Champlain, New York. This area is located approximately .5 miles south of the United States and Canada International Border and has been historically used for cross border human smuggling. Border Patrol Agents (BPA) R. Almaguer and K. Dubuque responded to the area and began to search for the subjects. BPA K. Dubuque was utilizing a thermal imaging device to scan the fields north of Perry Mills Road when he observed several subjects couching down in a tree line. BPA Almaguer was parked on Perry Mills Road and observed a vehicle approach (later identified as a grey Chrysler Pacifica, Florida registration LHK L31) the area where the subjects were hidden. The driver of the Pacifica appeared to signal the subjects by flashing the headlights multiple times. The subjects exited where they were hiding and entered the Pacifica. The Pacifica continued traveling east along Perry Mills Road past R. Almaguer's marked Border Patrol vehicle and K. Dubuque's unmarked Border Patrol vehicle at a high rate of speed towards Interstate 87 (I-87). Due to the high rate of speed the Pacifica was travelling, the agents were unable to catch up to it.

BPA R. Almaguer contacted KAD 640 via service radio and provided a brief description of the vehicle and direction of travel and requested they contact New York State Police (NYSP) to be on the lookout for the Pacifica. NYSP located the vehicle travelling south on I-87 just before exit 38 in the Town of Plattsburgh, New York. When NYSP tried to initiate a vehicle stop the driver of the Pacifica continued to flee at a high rate of speed. The Pacifica exited I-87 at exit 38, went off the roadway and came to a stop in a field on the west side of the off-ramp. Five of the occupants of the Pacifica exited the van and began to run. NYSP was able to apprehend four of the subjects after a brief foot chase. The fifth subject later identified as Kevin REYES-Lacayo was able to evade NYSP troopers and continued to abscond on foot.

BPA Almaguer arrived on scene and identified himself as a United States Border Patrol Agent to the subjects who had been apprehended. BPA Almaguer asked the subjects what countries they were citizens of. Four subjects with the initials R.L.R., A.A.X, E.G.V. and E.S.B. all claimed to be citizens of Guatemala. One subject with the initials F.R.O. claimed to be a citizen of Mexico. The front seat passenger of the Pacifica later identified as Mike GUILTY-Martinez claimed to be a Lawful Permanent Resident of the United States and originally from Honduras. R.L.R., A.A.X, E.G.V., E.S.B., and F.R.O. were all asked if they had any documents that would allow them to be legally present in the United States, they all responded "no." They were all placed under arrest for being illegally present in the United States and transported back to the Champlain Border Patrol Station for further record checks and processing. Mike GUILTY-Martinez was taken into custody by NYSP because he was in possession of an illegal firearm at the time of arrest. GUILTY-Martinez was initially transported to the NYSP Trooper Barracks in Plattsburgh, NY where he was arraigned for criminal possession of a weapon in the 4th degree. After GUILTY-Martinez was arraigned, he was transported to the Champlain Border Patrol Station for further processing.

BPA G. DeJesus and his service canine (K9) arrived on scene to help in the search for Kevin REYES-Lacayo. A Clinton County Sheriff's Office (CCSO) Deputy had located fresh foot signs near their facility that led into a wooded area and was believed to belong to the outstanding subject. BPA DeJesus deployed K9 Connie to track the foot sign. K9 Connie traced the foot sign for approximately two and a half miles until they were able to locate REYES-Lacayo on the north side of the Georgia Pacific building. REYES-Lacayo freely admitted he was in the vehicle that went off the road.

REYES-Lacayo was transported by a CCSO Deputy to their facility where he was issued Miranda by BPA DeJesus and witnessed by CCSO Sergeant Malcolm. REYES-Lacayo stated he understood his rights and was

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willing to speak to BPA DeJesus without a lawyer present. BPA DeJesus asked REYES-Lacayo where he was sitting in the Pacifica and REYES-Lacayo admitted that he was the driver. At that time REYES-Lacayo was transported back to the Champlain Border Patrol Station for further record checks and processing.

Border Patrol Agent (Intelligence) (BPA(I) T. Kinblom and Homeland Security Investigations (HSI) Special Agent (SA) T. Waite, responded to the Champlain Border Patrol Station to conduct interviews and assist with the investigation. BPA(I) T. Kinblom and SA Waite explained to E.S.B. through an interpreter that they were not going to be charged criminally for entering the United States illegally and that they were going to be expelled to Canada under public health law Title 42 but BPA(I) Kinblom and SA Waite would like to ask E.S.B. about being smuggled into the United States and if there was any information E.S.B. could provide. E.S.B. agreed to provide information regarding their smuggling event and showed BPA(I) Kinblom and SA Waite a photograph of a Western Union money transfer for \$1,829.00 to a Mike GUILTY-Martinez. E.S.B. stated that was a partial payment for his smuggling fee.

BPA(I) Kinblom and SA Waite then interviewed REYES-Lacayo using a Spanish interpreter. SA Waite reminded REYES-Lacayo of his rights and if he was still willing to speak with agents. REYES-Lacayo re-affirmed his rights, agreed to speak with agents, and stated GUILTY-Martinez is his cousin and GUILTY-Martinez had arranged the smuggling event. REYES-Lacayo stated he drives workers all over the country from Texas to Ohio and other locations, and he initially thought this trip was going to be the same. He admitted that it was not the same and that he does not normally pick people up from the woods. REYES-Lacayo stated he was expecting to receive some sort of compensation for this trip but he did not know how much he was going to be paid.